

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 2-2005)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

16096

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Unassigned **10/537088**INTERNATIONAL APPLICATION NO.  
PCT/AU2003/001606INTERNATIONAL FILING DATE  
2 December 2003 (02.12.2003)PRIORITY DATE CLAIMED  
2 December 2002 (02.12.2002)

## TITLE OF INVENTION

NOVEL X-CONOTOXIN PEPTIDES (-II)

## APPLICANT(S) FOR DO/EO/US

Richard James Lewis

Dianne Alewood

Paul Francis Alewood

Elka Palant

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. **EV213896079US**
23. ☒ Other items or information:

Courtesy Copy of International Application

One (1) Sheet of Drawing

Paper Copy of Sequence Listing

Assignee: Xenome Ltd. of Queensland, Australia

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/537 088</b>		INTERNATIONAL APPLICATION NO. <b>PCT/AU2003/001606</b>		ATTORNEY'S DOCKET NUMBER <b>16096</b>		
The following fees are submitted:				<b>CALCULATIONS PTO USE</b>		
24. <input checked="" type="checkbox"/> Basic national fee ..... <b>\$300</b>				\$	<b>\$300.00</b>	
25. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ..... <b>\$100</b> All other situations. .... <b>\$200</b>				\$	<b>\$200.00</b>	
26. <input checked="" type="checkbox"/> Search fee ..... Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... <b>\$100</b> International Search Report prepared and provided to the Office ..... <b>\$400</b> All other situations. .... <b>\$500</b>				\$	<b>\$400.00</b>	
<b>TOTAL OF 24, 25 and 26 =</b>				\$	<b>\$900.00</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
68 - 100 =	0 /50 =	0	x \$250.00	\$	<b>\$0.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	<b>\$130.00</b>	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total claims	* 48 - 20 =	28	x \$50.00	\$	<b>\$1,400.00</b>	
Independent claims	* 6 - 3 =	3	x \$200.00	\$	<b>\$600.00</b>	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	<b>\$3,030.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	<b>\$0.00</b>	
<b>SUBTOTAL =</b>				\$	<b>\$3,030.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	<b>\$0.00</b>	
<b>TOTAL NATIONAL FEE =</b>				\$	<b>\$3,030.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	<b>\$0.00</b>	
<b>TOTAL FEES ENCLOSED =</b>				\$	<b>\$3,030.00</b>	
* please see preliminary amendment for claim count				Amount to be refunded:	\$	
				Amount to be charged:	\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>\$3,030.00</b> to cover the above fees is enclosed.						
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.						
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>19-1013/SSMP</b> . A duplicate copy of this sheet is enclosed.						
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.						
SEND ALL CORRESPONDENCE TO:						
Scully, Scott, Murphy & Presser 400 Garden City Plaza, Suite 300 Garden City, New York 11530 516-742-4343						
				SIGNATURE		
				NAME		
				19,827		
				REGISTRATION NUMBER		

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): **Richard James Lewis, et al:**

Docket No.

16096

Application No.

Unassigned

Filing Date

Herewith

Examiner

Unassigned

Customer No.

23389

Group Art Unit

Unassigned

Invention: **NOVEL X-CONOTOXIN PEPTIDES (-II)**

I hereby certify that the following correspondence:

**New U.S. Patent Application Under 35 USC 371**

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**June 2, 2005**

*(Date)*

**Leopold Presser**

*(Typed or Printed Name of Person Mailing Correspondence)*

*(Signature of Person Mailing Correspondence)*

**EV213896079US**

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